

Senate State & Local Government Committee Amendment #1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0869

House Bill No. 1352

by inserting immediately after the caption and before the enacting clause the following
preamble:

WHEREAS, Public Chapter 460 of the Acts of 1993 created a temporary
commission to be known as the Citizen Commission on Government Officials
Compensation (hereafter referred to as the Commission) comprised of ten (10) members
from private business and industry; and

WHEREAS, the Commission was to investigate and study the duties and
responsibilities of the various county offices and how county size, location and
population affect those duties and responsibilities, existing classifications and proposed
classification, and such other matters as may be directed by the Speakers of the Senate
and the House; and

WHEREAS, the Commission was required to make recommendations to the
General Assembly on or before February 1, 1995; and

WHEREAS, the Commission filed a report to the General Assembly including
conclusions and recommendations; and

WHEREAS, the Commission concluded and recommended the General
Assembly continue to establish minimum compensation amounts for county officials
rather than giving this responsibility to the counties; and

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WHEREAS, the Commission recommended the general economic adjustments for county officials compensation should coincide with those of state employees, and should become effective on July 1 of the succeeding year; and

WHEREAS, the Commission also recommended all county officials should be required to have a high school education or a general equivalency diploma (GED) and that officials should be required to achieve certification for offices and should be rewarded financially for doing so through state-funded financial incentives; now, therefore,

AND FURTHER AMEND by deleting Sections 1, 2, and 3 of the printed bill and by substituting the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 11, Part 1, is amended by adding the following as a new section:

A candidate for the office of county trustee shall have not less than a high school education or a general equivalency diploma (GED). The provisions of this section shall not apply to any county trustee incumbent in office on the effective date of this act.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 13, Part 1, is amended by adding the following as a new section:

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A candidate for the office of register shall have not less than a high school education or a general equivalency diploma (GED). The provisions of this section shall not apply to any register incumbent in office on the effective date of this act.

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 1, Part 5, is amended by adding the following as a new section:

A candidate for the office of assessor of property shall have not less than a high school education or a general equivalency diploma (GED). The provisions of this section shall not apply to any assessor of property incumbent in office on the effective date of this act.

SECTION 4. Tennessee Code Annotated, Section 67-1-508(a) is amended by deleting the existing language and by substituting instead the following language:

(a) The assessor of property of each county or metropolitan government shall receive as compensation an annual salary as established by § 8-24-102.

SECTION 5. Tennessee Code Annotated, Title 18, Chapter 1, Part 1, is amended by adding the following as a new section:

A candidate for the office of clerk shall have not less than a high school education or a general equivalency diploma (GED). The provisions of this section shall not apply to any clerk incumbent in office on the effective date of this act.

SECTION 6. Tennessee Code Annotated, Section 5-6-104, is amended by adding the following as a new subsection (b):

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A candidate for the office of county executive shall have not less than a high school education or a general equivalency diploma (GED). The provisions of this section shall not apply to any county executive incumbent in office on the effective date of this act.

SECTION 7. Tennessee Code Annotated, Section 5-6-105, is amended by deleting the existing language in subsection (b)(1) and substituting instead the following:

(b)(1) The county executive shall receive for the county executive's services such compensation as established in § 8-24-102.

SECTION 8. Tennessee Code Annotated, Section 18-4-101, is amended by adding the following as a new subsection (c):

A candidate for the office of clerk shall have not less than a high school education or a general equivalency diploma (GED). The provisions of this section shall not apply to any such clerk incumbent in office on the effective date of this act.

SECTION 9. Tennessee Code Annotated, Section 54-7-106, is amended by deleting the first sentence in subsection (a) and by deleting subsection (c) in its entirety.

SECTION 10. Tennessee Code Annotated, Sections 8-24-101, 8-24-104, 8-24-112, 8-24-116, 8-24-117 and 8-24-118 are hereby repealed.

SECTION 11. Tennessee Code Annotated, Section 8-24-102 is amended by deleting the existing language and substituting the following:

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(a) For the purposes of determining the compensation to be received by the various county officers the term general officers shall include assessors of property, county clerks, clerks and masters of chancery court, clerks of probate courts, clerks of circuit courts, clerks of general sessions courts, clerks of criminal courts, juvenile court clerks, county trustees, and registers of deeds and the term highway official shall refer to the "chief administrative officer" as defined under the "Tennessee County Uniform Highway Law" as provided in § 54-7-103.

(b) Beginning July 1, 1995, county officers shall receive compensation per year as follows:

<u>County Population</u>	<u>General Officers</u>	<u>Sheriff & Highway Official</u>	<u>County Executive</u>
more than 500,000	84,000	92,400	97,020
250,000 to 499,999	77,500	85,250	89,513
100,000 to 249,999	57,500	63,250	66,413
65,000 to 99,999	52,500	57,750	60,638
50,000 to 64,599	49,500	54,450	57,173
35,000 to 49,999	44,500	48,950	51,398
23,000 to 34,999	43,000	47,300	49,665
12,000 to 22,999	39,000	42,900	45,045
5,000 to 11,999	33,500	36,850	38,693

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less than 5,000

31,000

34,100

35,805

(c) The population of counties for purposes of this section shall be determined by the 1990 federal census and the most recent succeeding federal census. Counties shall not move from one population classification to another unless a special census is completed. For the purpose of moving from one population classification to another, each county may take not more than three (3) special censuses at its own expense at any time during the interim between the regular decennial federal censuses. The special census shall be taken by the federal census bureau or in a manner directed by and satisfactory to the commissioner of economic and community development. The population of the county shall thereafter be revised in accordance with the special census, effective July 1 following certification of the census results by the federal census bureau or the commissioner of economic and community development to the secretary of state and comptroller of the treasury.

(d) Beginning July 1, 1996 the compensation enumerated in subsection (b) shall be increased equal to the average annualized percentage increase in general state employees' compensation effective July 1 the year following such increase for state employees. However, compensation for county officials shall not be increased more than eight percent (8%) in any fiscal year. On or before

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May 1 of each year, the commissioner of finance and administration shall certify to the comptroller of the treasury the percentage of such increase.

(e) Sheriffs in counties having a combination workhouse and jail provided for in title 41, chapter 2, may be paid an additional amount for ex officio services as superintendent of the workhouse by the legislative bodies of their respective counties.

(f) County executive's compensation shall be at least five percent (5%) higher than the maximum salary payable to any other county constitutional office of the respective counties. The minimum salary set out above shall apply only to a county executive who devotes full time to the county executive's office. The salary of a county executive who devotes less than full time to the county executive's office shall be determined by resolution of the county legislative body prior to the election of such official. For purposes of this subsection, "county official" does not include the judge of general session court.

(g) Any increase in expenditure by a county resulting from an increase required by this section shall be appropriated from funds that the county receives from state government that are not earmarked by statute for a particular purpose.

(h) The compensation of the chief administrative officer of the county highway department established by subsections (b) and (c) herein shall be a minimum level of compensation. The county legislative body of each county may

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increase or decrease the compensation of the chief administrative officer of the county highway department so long as the compensation is maintained at or above the minimum level established herein.

SECTION 12. Tennessee Code Annotated, Section 8-27-207 is amended by adding the following as a new subsection:

() County officials shall be allowed to participate in any plan established by the local government insurance committee even if the county does not participate. The cost of such participation shall be determined by the committee and the official may be required to bear the full cost of such plan.

SECTION 13. Notwithstanding the provisions of Section 42, Item 1 of Senate Bill 1820 / House Bill 1843 (Chapter ____ of the Public Acts of 1995), any required state share of expenditures arising from this act are hereby specifically allocated from state shared taxes distributed to the several counties.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.